



CITY COUNCIL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymberly Marcos Pine, Chair
Ikaika Anderson, Vice Chair
Brandon Elefante
Ann H. Kobayashi
Joey Manahan

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, MAY 4, 2017
9:00 A.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register by 9:00 a.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
- b. By faxing to 768-3827 your name, phone number and the agenda item;
- c. By filling out the registration form in person; or
- d. By calling 768-3817.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker limited to a **one-minute** presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on the City's DocuShare Website.

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Accommodations are available upon request to persons with disabilities, please call 768-3817 or send an email to ltam@honolulu.gov at least three days prior to the meeting date.

The meeting is viewable by: (1) internet live streaming through http://olelo.granicus.com/MediaPlayer.php?publish_id=92; (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

FOR APPROVAL

MINUTES OF THE APRIL 6, 2017 MEETING

FOR EXTENSION OF TIME ONLY

1. **BILL 74 (2015), CD1 – LUO AMENDMENT RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT.** Establishing a special district with appropriate land use standards and guidelines for those areas around the Honolulu Rail Transit Project stations. (Bill 74, CD1 passed second reading and public hearing held 1/25/17) (Current deadline for Council action: 5/11/17)
2. **BILL 75 (2015), CD1 – LUO AMENDMENT RELATING TO MISCELLANEOUS LAND USE ORDINANCE AMENDMENTS.** Clarifying development standards for structures with integrated commercial and dwelling uses; to revise development standards for height and street setbacks in the business, business mixed use, and industrial mixed use districts; and to establish appropriate standards for bicycle parking. (Bill 75, CD1 passed second reading and public hearing held 1/25/17) (Current deadline for Council action: 5/11/17)
3. **BILL 76 (2015), CD1 – WAIPAHU ZONE CHANGE (2014/GEN-5).** Amending Zoning Map No. 8 (Waipahu), Ordinance 86-110, by rezoning land situated near the Farrington Highway and Mokuola Street intersection (Waipahu Transit Center rail station area) and Farrington Highway and Leoku Street intersection (West Loch rail station area in Waipahu, Oahu, Hawaii, from R-5 Residential, R-7.5 Residential, A-2 Medium-density Apartment, B-1 Neighborhood Business, B-2 Community Business, and I-2 Intensive Industrial districts to the AMX-2 Medium-density apartment Mixed Use, BMX-3 Community Business Mixed Use, IMS1 Industrial-commercial Mixed Use, and P-2 General Preservation Districts. (Bill 76, CD1 passed second reading and public hearing held 1/25/17) (Current deadline for Council action: 5/11/17)

FOR ACTION

4. **RESOLUTION 17-103 – APPOINTMENT OF GLADYS A. QUINTO MARRONE TO THE ZONING BOARD OF APPEALS.** Confirming the appointment of Gladys A. Quinto Marrone to the Zoning Board of Appeals for a term expiring on June 30, 2021. (Transmitted by Communication MM-45; Public Hearing held 4/26/17)

5. **RESOLUTION 17-127 – ACCEPTANCE OF GIFT FROM THE NATIONAL GOVERNORS ASSOCIATION (NGA).** Accepting a gift to the City and County of Honolulu valued at \$1,731.00 from the National Governors Association for travel expenses for one employee of the City and County of Honolulu to participate in NGA's Hawaii Site Visit to Houston: Understanding Homeless Services Coordination from May 15 through May 18, 2017 in Houston, Texas. (Transmitted by Communication MM-52)
6. **BILL 47 (2016) – HOUSING CODE.** Amending the Housing Code, ROH Chapter 27, to add housing projects developed in other zoning districts pursuant to exemptions authorized by state law to the conditions of "public nuisance." (Bill 47 passed second reading and public hearing held 4/26/17)

PROPOSED CD1 TO BILL 47 (2016) (Submitted by Councilmember Anderson) – The CD1 (OCS2017-0432/4/24/2017 3:58 PM) makes the following amendments:

- A. Amends the definition of "Public nuisance" by amending the fourth condition to include cultivated or uncultivated trees or vegetation that overgrow, overhang, or undergrow a property line and thereby encroach onto, over, or under another person's property.
 - B. Makes miscellaneous technical and nonsubstantive amendments.
7. **BILL 67 (2016) – BICYCLE FACILITIES.** Amending Chapter 16, Revised Ordinances of Honolulu 1990 ("Building Code") to require certain amenities to be provided in certain buildings to accommodate persons commuting by means other than by motor vehicle, including bicyclists, and by providing incentives for providing these amenities. (Bill 67 passed second reading and public hearing held 3/22/17)

PROPOSED CD1 TO BILL 67 (2016) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2017-0366/4/7/2017 9:32 AM) makes the following amendments:

1. Deletes the definition of "Bicycle coordinator."
2. Amends the definitions of "Office building" and "Shower facility", respectively, as follows: 1) "Office building" now includes a building or a development of buildings; and 2) "Shower facility" now means a facility with shower compartments and lockers.
3. Section 16-___3(b)(1) is amended to: 1) change the requirement for shower heads to a requirement for "shower compartments and lockers" and decrease the minimum number of shower compartments and lockers from four to two per shower facility; 2) require two additional shower compartments and lockers in each shower facility for each additional 30,000 square feet of floor area of office

space greater than 40,000 square feet, rather than one additional shower head for each additional 10,000 square feet of floor area of office space greater than 40,000 square feet; and 3) provides that the maximum number of shower compartments and lockers (rather than shower heads) required per shower facility is 10. Deletes the sentence stating that the shower heads may be provided in separate shower facilities in the office building as being inconsistent with the preceding language in the section.

4. Deletes Section 16-__3(b)(3), which would have established the shower compartments and lockers minimum time availability requirement.
 5. Deletes Section 16-__3(c), which would have required the bicycle coordinator to establish guidelines.
 6. Deletes Section 16-__4, which addressed building permits, plans and specifications, and certificates of occupancy.
 7. Deletes the new section added to Chapter 8, Article 10, which would have established a real property tax exemption for the portion of the property used for shower facilities and accordingly deletes reference to "incentives" from the bill's purpose clause.
 8. Deletes the Ramseyer instruction language.
 9. Makes conforming amendments regarding numbering.
 10. Makes miscellaneous technical and nonsubstantive amendments.
8. **RESOLUTION 17-113** – **VISITABILITY STANDARDS IN THE CITY'S BUILDING CODE**. Urging the City Administration to incorporate visitability standards in the City's Building Code for new residential construction.

PROPOSED CD1 TO RESOLUTION 17-113 (Submitted by Councilmember Elefante) - The CD1 (OCS2017-0441/4/25/2017 2:24 PM) makes the following amendments:

- A. Revises the title and the BE IT RESOLVED clause to request that the Administration evaluate the incorporation of visitability standards for new residential construction in the City's Building Code.
- B. Adds a WHEREAS clause defining the term "visitability."
- C. Correctly enumerates the six visitability standards set forth in the University of Hawaii Center on Disability Studies 2016 analysis.

- D. In the fourth to the last WHEREAS clause, clarifies that the six visitability standards are increasingly being promoted by national building and construction organizations.
 - E. In the last WHEREAS clause, clarifies that the inclusion in the City's Building Code of visitability standards for new residential construction would greatly increase the quality of life for persons with mobility limitations by equipping homes with features that enhance accessibility, thereby allowing them to perform daily activities with a measure of ease and independence.
 - F. In the BE IT FURTHER RESOLVED clause, revises the time period that the DPP is requested to submit its report to the Council from 60 days to 120 days.
 - G. Makes miscellaneous technical and nonsubstantive amendments.
9. [**BILL 47 \(2017\) – ACCESSORY DWELLING UNITS PRODUCTION.**](#) Extending the repeal date of Section 2, Section 3, and Section 5 of Ordinance 16-19, relating to incentives for accessory dwelling units production. (Bill 47 passed first reading on 4/26/17)
10. [**BILL 14 \(2017\) – TRANSIT-ORIENTED DEVELOPMENT.**](#) Amending the provisions of the Land Use Ordinance (LUO) to include the preservation of healthcare service as a priority in neighborhood TOD plans. (Bill 14 passed second reading and public hearing held 4/26/17)
11. [**BILL 15 \(2017\) – LAND USE ORDINANCE AMENDMENT RELATING TO INTERIM PLANNED DEVELOPMENT \(IPD-T\) PERMITS FOR TRANSIT-ORIENTED DEVELOPMENT \(TOD\).**](#) Amending the provisions of the Land Use Ordinance pertaining to the IPD-T Permit in the future TOD Special District areas and clarifying the standards for community benefits. (Transmitted by Communication [D-70](#); Bill 15 passed first reading 2/22/17) (Current deadline for Council action: 8/29/17)

[**PROPOSED CD1 TO BILL 15 \(2017\)**](#) (Submitted by Councilmember Elefante) – The CD1 (OCS2017-0220/3/3/2017 10:22 AM) makes the following amendments:

- A. For newly labeled subsection 21-9.100-5(c) ("Review Criteria"), revises paragraph (1)(D) to clarify that only affordable housing provided in excess of the base affordable housing requirement established by subsection (f) is considered a community benefit supporting flexibility and increase development potential.

Committee on Zoning and Housing Agenda
Thursday, May 4, 2017

- B. Clarifies amendment to newly labeled subsection 21-9.100-5(d) by stating: "Permitted uses and structures in the BMX-4 central business mixed use district will be as specified in Table 21-3.4"

- C. Adds a new subsection 21-9.100-5(f) to establish an affordable housing requirement, summarized as follows:

All projects proposing more than 10 residential dwelling or lodging units, or both, must provide affordable housing units in an amount equal to at least 30 percent of the total residential units in the project. "Affordable housing" means housing that is affordable to households with incomes not exceeding 120 percent of the area median income for Honolulu. Of the total number of affordable housing units, no less than two-thirds must be affordable to households with incomes not exceeding 100 percent of the area median income, and no less than one-third must be affordable to households with incomes not exceeding 80 percent of the area median income.

The units must remain affordable for at least 30 years and must be provided on-site or within the applicable TOD plan area. Cash contributions in-lieu of constructing affordable housing units ("in-lieu fees") are not allowed. Affordable units must be delivered prior to the issuance of the certificate of occupancy for the project. The director may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement the affordable housing requirement.

- D. Amends the new "Community Benefits" section [newly labeled as 21-9.100-5(g)] by revising subdivision (1) as follows:

1. Provides that where affordable housing is provided as a community benefit to achieve height or density bonuses, the affordable housing units must be in excess of the minimum 30 percent requirement pursuant to subsection (f), and are subject to the affordability, location, and delivery requirements set forth in subsection (f).

2. Deletes paragraphs (A), (B), (C), (D), (E), and (F).

- E. Adds a new subdivision (3) in newly renumbered subsection 21-9.100-5(k) ("Guidelines for Review and Approval of the Conceptual Plan for a Project") to read as follows: "The public amenities proposed will produce timely, demonstrable benefits to the community, support transit ridership, and implement the vision established in Sec. 21-9.100-4 and this section while in effect."

- F. Relabels subsections and subdivisions to accommodate amended text.

Committee on Zoning and Housing Agenda
Thursday, May 4, 2017

- G. Makes changes to conform to current drafting conventions.
- H. Makes miscellaneous technical and nonsubstantive amendments.

INFORMATIONAL BRIEFING

- 12. **UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS.**

KYMBERLY MARCOS PINE, Chair
Committee on Zoning and Housing